

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOHNNIE L. RALEY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:24-cv-00340-RAH
)	
JONATHAN PITTS, <i>et al.</i> ,)	
)	
Defendant.)	

ORDER

On November 5, 2024, the Magistrate Judge filed a Recommendation (doc. 9) in this case to which no timely objections have been filed. The Magistrate Judge recommended that the Plaintiff's Amended Complaint be dismissed without prejudice and without further opportunity to amend. (*Id.* at 8.) Upon an independent review of the file and upon consideration of the Recommendation, it is **ORDERED** as follows:

1. With one exception, the Recommendation (doc. 9) is **ADOPTED in part**.
2. The claims against the Covington County Sheriff's Office and the individual deputies in their official capacities are **DISMISSED without prejudice**.
3. This matter is recommitted to the Magistrate Judge, *see* 28 U.S.C. § 636(b)(1)(C), to determine whether the Plaintiff sufficiently pleads causes of action guided by Federal Rule of Civil Procedure 12(b)(6) and by the heightened pleading requirement in this Circuit for 42 U.S.C. § 1983 claims against a defendant in his or her individual capacity. *See GJR Invs. v. Cnty. of Escambia, Fla.*, 132 F.3d 1359, 1367 (11th Cir. 1998), *rev'd*

and remanded on other grounds by Swann v. S. Health Partners, Inc., 388 F.3d 834, 839 (11th Cir. 2004). Specifically, the Magistrate Judge shall consider the Plaintiff's assertion that Defendants Deputies Jonathan Pitts, Clay Conway, and Mike Cheshire violated his constitutional rights by turning off his cell phone, searching his property, arresting him, and allegedly using excessive force against him. As for any remaining individual-capacity state law claims, the Magistrate Judge shall consider whether the Plaintiff sufficiently pleads any such causes of action.

DONE, on this the 10th day of December 2024.

A handwritten signature in black ink, appearing to read "R. Austin Huffaker, Jr.", is written over a horizontal line.

R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE